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David N. Fronek
Dorsey & Whitney LLP
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498

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|--------------------------------------|---|-----------------|
| In re Application of | : | DECISION ON |
| Alan K. DOERER | : | |
| Application No.: 10/517,031 | : | |
| PCT No.: PCT/US03/17782 | : | |
| Int. Filing Date: 05 June 2003 | : | PETITION UNDER |
| Priority Date: 06 June 2002 | : | |
| Attorney's Docket No.: 14372.03 | : | |
| For: AIRCRAFT DOOR SYSTEM AND METHOD | : | |
| ... THE SAME | : | 37 CFR 1.137(b) |

This decision is in response to applicant's "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 21 November 2005. The petition fee of \$1,500.00 has been paid by check

BACKGROUND

On 05 June 2003, this international application was filed, which claimed an earliest priority date of 06 June 2002. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 06 December 2004.

On 06 December 2004, applicant filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the copy of the international application, but national basic fee was not submitted at that time. This international application became abandoned with respect to the United States at midnight on 06 December 2004 for failure to pay the required basic national fee.

On 21 October 2005, the United States Patent and Trademark Office mailed the Notification of Abandonment (PCT/DO/EO/909) because applicant failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 21 November 2005, applicants filed the instant petition under 37 CFR 1.137(b), which was accompanied by the petition fee and the basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by having submitted the basic national filing fee, (2) the petition fee set forth in §1.17(m), and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459